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General Assembly

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United Nations Open-ended Informal Consultative Process on Ocean Affairs
First Meeting
30 May-2 June 2000

Draft format and annotated provisional agenda

1. Pursuant to General Assembly resolution 54/33 of 24 November 1999, the two co-chairpersons appointed by the President of the General Assembly shall elaborate, in consultation with delegations, a format for the discussions of the United Nations Open-ended Informal Consultative Process on Ocean Affairs that best facilitates the work of the consultative process, in accordance with the rules of procedure and practices of the General Assembly.

2. On the basis of consultations with delegations from 14 to 16 March 2000, of an informal meeting with delegations held on 12 April 2000 and of comments subsequently submitted by delegations, the co-chairpersons, Ambassador Tuiloma Neroni Slade (Samoa) and Mr. Alan Simcock (United Kingdom of Great Britain and Northern Ireland), propose to the first Meeting a draft format for discussions (see annex I), and an annotated provisional agenda (see annex II).

3. The Meeting is invited to consider the draft format and the annotated provisional agenda and, as appropriate, to proceed with their adoption.

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Annex I

Draft format for the First Meeting of the United Nations Open-ended Informal Consultative Process on Ocean Affairs, 30 May-2 June 2000

Method of work

1. Pursuant to General Assembly resolution 54/33, the Meeting of the Open-ended Informal Consultative Process on Ocean Affairs will work through plenary sessions, and two discussion panels will provide opportunities for input from representatives of the major groups as identified in Agenda 21.

Agenda

2. The two co-chairpersons will propose to the Meeting an annotated provisional agenda, setting out a programme of work for the Meeting and a timetable for plenary sessions and two discussion panels (see annex II). The Meeting will consider these proposals and adopt its agenda and timetable accordingly.

Plenary sessions

3. The plenary sessions will be open to participation by all those listed in paragraph 3 (a) of General Assembly resolution 54/33, that is, all States Members of the United Nations, States members of the specialized agencies, all parties to the United Nations Convention on the Law of the Sea, entities that have received a standing invitation to participate as observers in the work of the General Assembly pursuant to its relevant resolutions, and intergovernmental organizations with competence in ocean affairs.

4. Within the constraints of the available accommodation, representatives of major groups as identified in Agenda 21 which have been allocated seats to participate in the discussion panels in accordance with paragraph 9 below will be free to be present to hear the discussions in the plenary sessions, in accordance with established practice.

5. In order to facilitate informal discussion, a plenary session may nevertheless decide to work in the absence of the representatives of such major groups.

Discussion panels

6. Only one discussion panel will be held at a time. Discussion panels will not be held at the same time as plenary sessions.

7. The discussion panels will be open to participation both by those entitled to participate in the plenary sessions and by representatives of major groups, as identified in Agenda 21, to which seats have been allocated in accordance with paragraph 9 below.

8. On the basis of consultations with delegations, the two co-chairpersons will propose, as part of the provisional agenda, areas of focus for the discussion panels. In the light of consultations with delegations, they will invite not more than five persons, chosen from among those mentioned in paragraph 7 above, to lead off the

discussions in each of the discussion panels, by making short presentations on questions relevant to the panel's area of focus.

9. Seats at the discussion panels will be allocated to representatives of major groups as identified in Agenda 21 in the following manner:

(a) All organizations which represent major groups as identified in Agenda 21 and which are entitled to consultative status with the Economic and Social Council or its Commission on Sustainable Development will be entitled to apply for a seat to be allocated to them;

(b) Within the constraints of the space available, seats will be allocated to such of those organizations as have indicated their wish to participate in any of the discussion panels;

(c) If space does not permit seats to be allocated to all the organizations that wish to attend, the co-chairpersons, in consultation with the United Nations Secretariat, will make such allocations of seats as they consider will best contribute to the work of the process, taking into account:

(i) The relevance of the work of the organizations concerned to the areas of focus of the respective discussion panels;

(ii) The need for balance in representation between the different major groups with interests in those areas of focus;

(iii) The relationship of the organizations to the differing characteristics and needs of the different regions of the world, together with the principle of equitable geographic representation, and the need for an appropriate balance between major groups from developed and developing countries; and

(iv) The need to provide expert inputs to the discussion of the areas of focus.

Output

10. The output of the Meeting will consist of :

(a) A statement of agreed issues to be suggested to the General Assembly for consideration and agreed elements related to those issues to be proposed by the Meeting for consideration by the General Assembly in relation to Assembly resolutions under its agenda item entitled "Oceans and the law of the sea";

(b) A statement of issues for consideration for inclusion in the agendas of future Meetings of the Open-ended Informal Consultative Process on Ocean Affairs;

(c) A co-chairpersons' summary of the discussions that have taken place during the Meeting, including those in the discussion panels.

11. The two co-chairpersons will present a draft of the output to the Meeting. There will be an opportunity during a plenary session for discussion of the draft output in order to reach consensus and to comment on the draft summary of the discussions. The two co-chairpersons will submit a final version of the output to the President of the General Assembly, incorporating such consensus as is reached on issues and elements to be suggested to the Assembly and reflecting the comments made on the other components mentioned in paragraphs 10 (b) and (c).

Annex II

Annotated provisional agenda for the First Meeting of the United Nations Open-ended Informal Consultative Process on Ocean Affairs, 30 May-2 June 2000

Tuesday, 30 May 2000 10 a.m.-1 p.m.

First plenary session

Agenda item 1. Opening of the Meeting

1. In the light of General Assembly resolution 54/33 setting up the process, there will be no election of officers.

2. Mr. Hans Corell, the Legal Counsel and Under-Secretary-General for Legal Affairs, and Mr. Nitin Desai, Under-Secretary-General for Economic and Social Affairs, will open the proceedings on behalf of the Secretary-General of the United Nations.

Agenda item 2. Approval of the format of the Meeting and adoption of the agenda

3. General Assembly resolution 54/33 provides that the co-chairpersons shall elaborate, in consultation with delegations, a format for the discussions that best facilitates the work of the consultative process, in accordance with the rules of procedure and practices of the General Assembly.

4. The present document sets out the proposals of the two co-chairpersons. The Meeting is invited to consider and, as appropriate, to approve:

(a) The format for the Meeting;

(b) The agenda for the Meeting and the timetable for plenary sessions and discussion panels.

Agenda item 3. Exchange of views on areas of concern and actions needed

5. General Assembly resolution 54/33 provides that, consistent with the legal framework provided by the United Nations Convention on the Law of the Sea and the goals of chapter 17 of Agenda 21, the open-ended informal consultative process is to facilitate the annual review by the General Assembly, in an effective and constructive manner, of developments in ocean affairs by considering the Secretary-General's reports on oceans and the law of the sea and by suggesting particular issues to be considered by it, with an emphasis on identifying areas where coordination and cooperation at the intergovernmental and inter-agency levels should be enhanced.

6. To this end, delegations are invited to address specifically the following questions:

(a) Whether there are urgent needs to improve coordination or cooperation at an intergovernmental or inter-agency level in relation to:

(i) Any of the fields covered by the reports of the Secretary-General (see para. 7);

(ii) Issues common to more than one of those fields; or

(iii) Obstacles which hinder the implementation of international instruments in those fields or the realization of benefits flowing from such instruments; and

(b) If so, what specific actions or solutions might be suggested to the General Assembly for consideration in order to help to meet such needs.

7. The reports of the Secretary-General include, *inter alia*, the following fields:

Development and management of marine resources and protection and preservation of the marine environment — *conservation and management of living marine resources; non-living marine resources; reduction and control of pollution; regional cooperation; marine protected areas/particularly sensitive sea areas*;

Marine science and technology;

Shipping industry;

Navigation — *safety of ships; transport of cargo; safety of navigation; maritime claims; flag State implementation; port State control*;

Crimes at sea;

Capacity-building and information dissemination;

Underwater cultural heritage.

Tuesday, 30 May 2000 — 3-6 p.m.

Second plenary session

Agenda item 3. Exchange of views on areas of concern and actions needed (continued)

8. This agenda item will be further considered.

Wednesday, 31 May 2000 — 10 a.m.-1 p.m.; 3-4.30 p.m.

Discussion Panel A
Responsible Fisheries and Illegal, Unregulated and Unreported Fisheries: Moving from principles to implementation

9. A description of the area of focus for this discussion panel is contained in appendix I.

Wednesday, 31 May 2000 4.30-6 p.m.

Discussion Panel B
Economic and Social Impacts of Marine Pollution and Degradation, Especially in Coastal Areas: International aspects of combating them

10. A description of the area of focus for this discussion panel is contained in appendix II.

Thursday, 1 June 2000 10 a.m.-1 p.m.

Discussion Panel B
Economic and Social Impacts of Marine Pollution and Degradation, Especially in Coastal Areas: International aspects of combating them *(continued)*

Thursday, 1 June 2000 3-6 p.m.

Third plenary session

Agenda item 4. Exchange of views with the Subcommittee on Oceans and Coastal Areas of the Administrative Committee on Coordination

11. The General Assembly in its resolution 54/33 requested the Secretary-General, working through appropriate United Nations bodies and in cooperation with the heads of relevant organizations, to undertake measures aimed at:

(a) Ensuring more effective collaboration and coordination between relevant parts of the Secretariat and the United Nations system as a whole on ocean affairs and the law of the sea; and

(b) Improving the effectiveness, transparency and responsiveness of the Subcommittee on Oceans and Coastal Areas of the Administrative Committee on Coordination (ACC).

12. The provision of opportunities for exchange of views between national delegations and the Subcommittee has been suggested as one of the means by which the ACC Subcommittee on Oceans and Coastal Areas and its member organizations could be assisted in achieving these goals. The Chairman of the ACC Subcommittee on Oceans and Coastal Areas could therefore inform the Meeting about progress on the work of the Subcommittee. National delegations may wish to comment on actions which they believe could assist with improving the effectiveness of coordination in the fields covered by the Subcommittee.

Agenda item 5: Identification of issues for further consideration

13. The Meeting will be invited to indicate topics:

(a) Where the need for improved international cooperation and coordination could merit examination at a future stage of the open-ended informal consultative process;

(b) Where there may be gaps in existing international arrangements which could require further consideration;

(c) Where specific actions by other bodies or forums could assist the examination of such topics by a future meeting of the open-ended informal consultative process.

Friday, 2 June 2000 Noon-1 p.m.

Fourth plenary session

Agenda item 6. Co-Chairpersons' report on the work of the Meeting

14. It would be the aim of the co-chairpersons to have a draft of the output of the work of the Meeting ready early on Friday, 2 June. A period should be left free for delegations to consider the draft.

15. The Meeting will be invited to consider the draft, with a view to:

(a) Reaching consensus on issues to be suggested to the General Assembly for consideration and on elements related to those issues to be proposed for consideration by the General Assembly in relation to Assembly resolutions under its agenda item entitled "Oceans and the law of the sea";

(b) Commenting on other elements of the output.

Friday, 2 June 2000 3-6 p.m.

Fifth plenary session

Agenda item 6. Co-Chairpersons' report on the work of the Meeting (continued)

16. The Meeting will be invited to complete its consideration of the co-chairpersons' draft of the output of the Meeting.

Appendix I

Discussion Panel A

Description of the area of focus

Responsible fisheries and illegal, unregulated and unreported fisheries

Moving from principles to implementation

Points of departure

1. "In addition to the issues of overfishing and by-catch, ... the prevalence of illegal, unregulated and unreported (IUU) fishing on the high seas, in contravention of conservation and management measures adopted by subregional and regional fisheries management organizations and arrangements, is considered to be one of the most severe problems currently affecting world fisheries" (report of the Secretary-General on oceans and the law of the sea, 1999 (A/54/429), para. 249).

2. "Similarly, IUU fishing activities have been reported in zones under the national jurisdiction of coastal States, particularly developing coastal States, in violation of their sovereign rights to conserve and manage the living marine resources in those areas ... These activities are believed to have adverse effects on the sustainable development and conservation of the fishery resources, economies and food security of those countries" (ibid., para. 251).

3. The framework for addressing this issue is provided by the United Nations Convention on the Law of the Sea, especially articles 61 to 68 and 116 to 120, the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, the 1993 Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas of the Food and Agriculture Organization of the United Nations (FAO) and the FAO Code of Conduct for Responsible Fisheries.

4. The FAO Committee on Fisheries is working on an International Action Plan to combat IUU fisheries. In its decision 7/1 (1999), the Commission on Sustainable Development supported this work and said that it should include dealing with the problem of those States which do not fulfil their responsibilities under international law as flag States with respect to their fishing vessels, in particular those which do not exercise effectively their jurisdiction and control over their vessels which may operate in a manner that contravenes or undermines the relevant rules of international law and international conservation and management measures. The Commission also noted that this work will also require coordinated efforts by States, FAO, regional fisheries management bodies and other relevant international agencies, such as the International Maritime Organization (IMO), as provided in article 4 of the Code of Conduct for Responsible Fisheries.

5. Within this global framework, a crucial role is played by regional fisheries organizations and arrangements. In paragraph 15 of decision 7/1 (1999), the

Commission on Sustainable Development invited regional fisheries organizations to provide information on progress made and on problems faced in applying the principles and recommendations contained in the instruments mentioned in paragraph 3 above and the FAO International Plans of Action.

6. "The importance of marine science for the development of marine resources, the protection and preservation of the marine environment and the study of the global environment is well recognized. The Commission on Sustainable Development observed in its decision 7/1 that scientific understanding of the marine environment is fundamental to sound decision-making" (report of the Secretary-General on oceans and the law of the sea, 2000 (A/55/61), para. 224). Information on the oceans and those fishing in them is thus a prerequisite of effective fisheries management.

7. Part XIII of the United Nations Convention on the Law of the Sea sets out a framework for marine scientific research and, among other things, requires States actively to promote the flow of scientific data and information and the transfer of knowledge resulting from marine scientific research, especially to developing States, as well as the strengthening of the autonomous marine scientific research capabilities of developing States through, *inter alia*, programmes to provide adequate education and training of their technical and scientific personnel.

Specific aspects for discussion

8. **How might the current forms of consultation and cooperation both between relevant members of the United Nations system (such as the Food and Agriculture Organization of the United Nations, the International Maritime Organization, the International Labour Organization, the United Nations Conference on Trade and Development, the World Trade Organization and the World Bank) and between them and other international organizations (especially regional fisheries organizations and arrangements) be strengthened so as better to respond to the problems of IUU fishing? Can improvements in data exchange between those responsible for combating IUU fishing, pollution from ships, unsafe ships and improper maritime labour practices assist the development of consistent responses in all these fields?**

9. **Are the governing instruments of the world's regional fisheries organizations and arrangements, many of which antedate the recent agreements on fisheries, fully consistent with the principles embodied in those agreements and underlying the work currently in hand? What action can be taken through improved intergovernmental and inter-agency coordination and cooperation to support the establishment through regional fisheries management organizations and arrangements of the approaches necessary to address the problem of IUU fishing?**

Factors for consideration

10. Among the many factors relevant to the consideration of this issue are the following:

11. **Understanding the oceans**. Are the arrangements for marine scientific research and the flow of scientific information and data relating to living marine resources adequately meeting the need for sound science to underpin decision-

making so as to utilize and preserve such resources for the economic benefit of all States? How can we more effectively develop the capabilities to take account of the findings of the existing international programmes on marine science and technology in national, regional and global decision-making on fisheries?

12. **Information base**. Do the arrangements for supply of information on fishing activity to regional fisheries organizations and arrangements provide adequate links to capture and assess all the relevant information available? How can the transparency of information on fishing vessel registration and ownership be secured, and arrangements for access to it improved?

13. **Investment**. Certain forms of investment (for example, fisheries protection vessels, vessel location systems, fish handling installations) are needed to ensure effective fisheries management. Do the priorities of those providing the resources for such investment (whether international financial institutions, multilateral or bilateral donors, national Governments or the private sector) adequately reflect the importance of this investment for the economies and the food security of the States involved?

14. **Capacity-building to support national actions**. As set out in section A of chapter 17 of Agenda 21, an integrated approach is needed at the national level for the management of the oceans and their resources. A wide range of knowledge and know-how is needed for the effective management of fisheries and the enforcement of internationally agreed requirements and procedures by the authorities responsible. These include fisheries science, surveillance of fishing vessels and the legal skills to handle infractions. Do programmes for capacity-building give adequate priority to the development of the skills and knowledge needed for fisheries management and enforcement?

15. **Regional considerations**. Much of the world's fishing fleet is mobile between fisheries regions. Divergences in the requirements imposed by different regional fisheries organizations and arrangements (for example, on the installation of transponders) may unintentionally increase the problems of implementing the agreed systems. What intergovernmental and inter-agency actions could help avoid such problems?

16. **International arrangements**. Can improved intergovernmental and inter-agency coordination and cooperation assist the entry into force, and implementation, of the recent international agreements?

Appendix II

Discussion Panel B

Description of the area of focus

Economic and social impacts of marine pollution and degradation, especially in coastal areas

International aspects of combating them

Points of departure

1. "Regarding the marine environment, the conclusions of [the Global Environment Outlook 2000 (GEO 2000), the most authoritative assessment of the global and regional environmental issues facing humanity in the new millennium,] are that the coastal marine environment is clearly being affected by the modification and destruction of habitats, overfishing and pollution. Many of these impacts can be traced back to land-based human activities located far from the sea ... With regard to coastal areas, which includes wetlands, estuaries, mangroves and coral reefs, GEO-2000 concludes that the natural environment of coastal areas is being degraded by agricultural and urban development, industrial facilities, port and road construction, dredging and filling, tourism and aquaculture. The many people living in coastal zones, and even those located far inland, generate large quantities of wastes and other polluting substances that enter the seas directly or through coastal watersheds, rivers and precipitation from polluted air. While coastal pollution is gradually being controlled in many industrialized countries, it is still rising rapidly as a result of population growth, urbanization and industrial development in developing regions ... GEO-2000 also points to worrying evidence emerging concerning the accelerating destruction of the world's coral reefs by pollution. More than half the world's reefs are potentially threatened by human activities, with up to 80 per cent at risk in the most populated areas" (report of the Secretary-General on oceans and the law of the sea, 1999 (A/54/429), paras. 362-365).

2. "Many countries depend on sources of income from activities that would be directly threatened by degradation of the marine environment: industries such as fishing and tourism are obvious examples. The subsistence economy of large coastal populations, in particular in the developing countries, is based on marine living resources that would also be threatened by such degradation. Also to be considered are the impacts of such degradation on maritime culture and traditional lifestyles. Food security is threatened, in particular in developing countries, by the loss of marine living resources that are vital for the adequate provision of food and for combating poverty. Public health considerations from a degraded marine environment manifest themselves through the contamination of seafood, direct contact, such as through bathing, and the use of sea water in desalination and food-processing plants" (Global Programme of Action for the Protection of the Marine Environment from Land-based Activities (A/51/116, annex II), paras. 16 and 17).

3. "Regional and subregional cooperation and arrangements are crucial for successful actions to protect the marine environment from land-based activities ... Such cooperation allows for more accurate identification and assessment of the

problems in particular geographic areas and more appropriate establishment of priorities for action in these areas. Such cooperation also strengthens regional and national capacity-building and offers an important avenue for harmonizing and adjusting measures to fit the particular environmental and socio-economic circumstances" (ibid., para. 29).

4. "Effective international cooperation is important for the successful and cost-effective implementation of the Programme of Action. International cooperation serves a central role in enhancing capacity-building, technology transfer and cooperation, and financial support" (ibid., para. 36).

5. "The importance of marine science for the development of marine resources, the protection and preservation of the marine environment and the study of the global environment is well recognized. The Commission on Sustainable Development observed in its decision 7/1 that scientific understanding of the marine environment is fundamental to sound decision-making" (report of the Secretary-General on oceans and the law of the sea, 2000 (A/55/61), para. 224). Information both on the ways in which activities, especially those on land, cause pollution and degradation of the marine environment and on the actual and possible economic and social impacts of such pollution and degradation are therefore essential to support sustainable development.

6. Part XIII of the United Nations Convention on the Law of the Sea sets out a framework for marine scientific research and, among other things, requires States actively to promote the flow of scientific data and information and the transfer of knowledge resulting from marine scientific research, especially to developing States, as well as the strengthening of the autonomous marine scientific research capabilities of developing States through, *inter alia*, programmes to provide adequate education and training of their technical and scientific personnel.

Specific aspects for discussion

7. **How can national Governments best be helped to evaluate the economic and social impact of marine pollution and degradation in their countries? Is the protection of the marine environment against pollution and degradation sufficiently integrated into the general planning of sustainable development?**

8. **What action can be taken through improved intergovernmental and inter-agency coordination and cooperation to ensure integrated coastal zone management? Could such action help ensure that investment and development programmes generally take account of the needs to avoid adverse economic and social impacts from marine pollution and degradation?**

Factors for consideration

9. Among the many factors relevant to the consideration of this issue are the following:

10. **Understanding the oceans**. Better knowledge of the interlinkage between land and oceans is crucial for understanding the likely economic and social impact of marine pollution and degradation. How can we better understand the interaction of land and sea and the way in which they impact on, and are affected by, industries such as fisheries, mariculture, tourism and transport? What new work by regional or

global agencies could help this understanding or the application of the information already available?

11. **Information base**. Are sufficient data captured on the costs of not taking action to prevent marine pollution and degradation? How might cooperation between international economic organizations improve the capture and analysis of such information?

12. **Investment**. Are adequate material and techniques available to enable those making investment decisions to take account of potential adverse impacts on the marine environment? How do we encourage investment decisions, in both the public sector and the private sector, to take full account of their impacts on the marine environment and the need to avoid adverse economic and social repercussions from investments that affect the marine environment?

13. **Capacity-building to support national actions**. As set out in section A of chapter 17 of Agenda 21, an integrated approach is needed at the national level for the management of the oceans and seas and their resources. Integrated coastal zone management is one aspect of this, and it requires a wide range of knowledge and know-how. Do programmes for capacity-building give adequate priority to the development of the skills and knowledge needed for integrated coastal zone management?

14. **Regional considerations**. Do adequate arrangements exist at the regional level to ensure that due account is taken of the economic and social impacts in some countries of changes in the marine environment brought about by developments in other countries?

15. **International arrangements**. What action could be taken, either by international agencies or at the intergovernmental level, to promote effective regional agreements to address the issues of marine pollution and degradation from land-based activities?